

MEMO

DATE: February 14, 2001

TO: Honorable Mayor and City Council

THROUGH: John Lettelleir, AICP, Director of Planning

FROM: Douglas C. Mousel, Senior Planner

RE: Phelps-Wood Addition

xc: George Purefoy, City Manager

Antennas (Commercial, Radio, TV, Relay, or Microwave over 50 Feet) are permitted upon approval of a Specific Use Permit in the Office-2, Retail, Original Town Residential and Original Town Commercial, Highway, Commercial-1, Commercial-2, Corporate Office, Information & Technology, and Industrial districts. Antennas (Commercial, Radio, TV, Relay, or Microwave over 50 Feet) are prohibited in the Agricultural, Office-1, Neighborhood Services, and all residential districts other than the Original Town Residential district. Antennas are prohibited in these districts to limit the impact of the height of the associated towers on residential uses. Although Antennas (Commercial, Radio, TV, Relay, or Microwave over 50 Feet) are prohibited in the Agricultural district, the tower on the property at the southeast corner of F.M. 720 (Main Street) and Taft Powell Road was constructed prior to the annexation of this property into the City of Frisco. The property was annexed by the City on December 17, 1996 (see attached ordinance).

An antenna was added to the tower and service equipment was added to the property following the approval of Specific Use Permit-51 for a Telecommunications Antenna by the City Council on July 21, 1998 (see attached minutes). The ordinance for Specific Use Permit-51 was approved on August 18, 1998 (see attached minutes and ordinance). This Specific Use Permit was erroneously approved. As stated above, the Zoning Ordinance does not allow a Specific Use Permit to be issued for an Antenna (Commercial, Radio, TV, Relay, or Microwave over 50 Feet) in the Agricultural district. The applicant was incorrectly directed by previous Planning staff to apply for a Specific Use Permit. Rather than being directed to obtain a Specific Use Permit, the applicant should have been directed to the Board of Adjustment to request the expansion of a nonconforming use.

Because the tower was constructed prior to annexation of the property and because the is not setback a distance equal to or greater than the height of the tower from areas zoned residential or shown as residential on the Future Land Use Plan, the tower and antennas are nonconforming structures and uses. Nonconforming structures and uses may only be expanded by approval of the Board of Adjustment. The applicant has submitted a request to the Board of Adjustment to expand the nonconforming structure and use.